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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte*
CC Docket No. 96-98
CC Docket No. 98-147

Dear Ms. Salas:

In this letter, the Association for Local Telecommunications Services, Advanced TelCom Group, Inc., El Paso Networks, LLC., and Focal Communications Corp. request that the Commission, pursuant to Section 218 of the Act,¹ direct SBC to provide on the record of this proceeding a complete explanation and description of its recently announced new phase of "Project Pronto" which it refers to as broadband passive optical networking ("BPON").² This initiative apparently involves deployment of fiber to residential and small business customers and use of a splitter the size of a "pack of chewing gum" at an intermediate point in the loop that uses wave division multiplexing ("WDM") to deliver "virtually unlimited bandwidth potential" to the customer.³ SBC claims that BPON permits it to provide the "holy grail" of broadband deployment – fiber directly to small customers – far earlier than expected.⁴ It proclaims in connection with BPON: "SBC's VISION: Be the ONLY communications company our customers will ever need."⁵

SBC has not attempted in the record of this proceeding to apprise the Commission or the industry of the capabilities of BPON. As recently as February, SBC described its "Project Pronto" network architecture without any mention of BPON.⁶ However, it is hard to imagine an ILEC initiative more relevant to future competition in the local telecommunications marketplace

¹ Section 218 of the Act authorizes the Commission to obtain from carriers "full and complete information" concerning, *inter alia*, "technical developments and improvements in wire and radio communications..." 47 U.S.C. Section 218.

² SBC Begins New Phase of Project Pronto, Deployment of PON, WDM Extends SBC's Lead in Next-Generation Network Deployment, May 9, 2001,

http://www.sbc.com/News_Center/Article.html?query_type=article&query=20010509-1, ("SBC Press Release")

³ SBC Communications, Inc. Broadband Passive Optical Network (BPON) Overview, <http://www.sbc.com/data/0,2951,35,00.html>.

⁴ SBC Press Release, *supra*.

⁵ SBC Media Briefing, Ross Ireland, May 9, 2001, <http://www.sbc.com/data/0,2951,35,00.html>.

⁶ SBC Comments, CC Docket No. 98-147, filed February 27, 2001, p. 27.

or to the next generation issues that the Commission is examining in the above-captioned proceeding. For example, in the above-captioned proceeding, the Commission is examining the question of what unbundling obligations should apply to next generation networks including whether optical capacity made possible by WDM should be designated a UNE. In addition, BPON apparently renders obsolete previous SBC statements about issues in this proceeding such as that it "would be unwise for the Commission to make a regulatory pronouncement concerning [DWDM] technology before it ever gets off the ground."⁷ Moreover, SBC's tardiness in apprising the Commission of BPON and its implications for this proceeding is highly disturbing in that it appears to be another facet of SBC's hostility to application of any unbundling requirements to Project Pronto.⁸

Accordingly, the Association for Local Telecommunications Services, Advanced TelCom Group, Inc., El Paso Networks, LLC., and Focal Communications Corp. request that the Commission, pursuant to Section 218 of the Act, promptly direct SBC to provide on the record of this proceeding a complete explanation and description of BPON sufficient to permit the Commission to determine the appropriate unbundling obligations to apply to it. The Commission should additionally provide for additional comment on SBC's submission in order to assure a complete record on this issue.

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Sincerely,



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⁷ SBC Comments, CC Docket No. 98-147, filed October 12, 2000, p. 58.

⁸ SBC Comments, CC Docket No. 98-147, Filed February 27, 2001, p. 20.